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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,080	07/25/2003	Joachim Wolf	331.1048	3127
23280	7590	10/29/2008		
Davidson, Davidson & Kappel, LLC				
485 7th Avenue				
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New York, NY 10018				
EXAMINER				
PICKARD, ALISON K				
ART UNIT		PAPER NUMBER		
3676				
MAIL DATE		DELIVERY MODE		
10/29/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: JOACHIM WOLF,
AND ANDREAS KAMMANN

Application No. 10/627,080
Technology Center 3676

Mailed: October 29, 2008

Before Delores Lowe, Paralegal Specialist
Lowe, Paralegal Specialist.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 30, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S ANSWER, MISSING CERTIFIED TRANSLATION

The Examiner relied on the foreign reference Takeda et al. (JP 56-62464) in rejecting the claims. Full certified English translation of the above noted foreign reference is not of record in the Image File Wrapper (IFW).

When an Examiner relies on a document “in a language other than English, a translation *must* be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection” (emphasis added). MPEP § 1207.02. Pursuant to a memorandum dated April 29, 2002 by Stephen G. Kunin, Deputy Commissioner for Patent Examination Policy:

Effective immediately, no appeal should be forwarded to the Board of Patent Appeals and Interferences for decision where: (1) a rejection is supported in whole or part by an abstract without reference to the underlying document, . . . ; or (2) a rejection is supported in whole or part by a prior art document not in the English language, unless accompanied by a translation of the prior art document into English.

The memorandum also states “[i]f the document is in a language other than English and the examiner seeks to rely on that document, a translation *must* be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection” (emphasis added).

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

1) to obtain full certified English language translation of the above noted foreign reference;

2) to complete the IFW by having the translation obtained scanned into the IFW file;

3) to provide copies of the translations obtained to Appellants;

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DAL/dal

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